

**CRIMINAL JUSTICE SERVICES BOARD  
COMMITTEE ON TRAINING**

**MINUTES**

*December 10, 2009*

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, December 10, 2009, in House Room D of the General Assembly Building, in Richmond, Virginia.

***Members Present:***

Sheriff Beth Arthur

Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)

Mr. Robert L. Bushnell

Sergeant Charles J. Condon

Mr. Kevin S. Hodges

Chief James R. Lavinder

Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)

Dr. Jay W. Malcan

Sheriff Charles W. Phelps, Chair

Ms. Marlene Randall

Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)

Mr. Sherman C. Vaughn

Mr. Christopher R. Webb

***Members Not Present:***

Chief Alfred Jacocks, Vice Chair

***DCJS Staff Present:***

Leon Baker  
Ron Bessent  
Steve Clark

Sharon Gray  
Judith Kirkendall  
Loretta Lynch

Donna Michaelis  
Mandie Patterson  
Gayle Turner

***Call To Order:***

Sheriff Phelps called the meeting to order. The roll was called with eleven (11) members present, representing a quorum. (*Sergeant Condon and Mr. Webb arrived at 9:16 a.m.*) Chairman Phelps noted that the minutes of the last meeting had been mailed to the members and asked if there were any questions or comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes. Mr. Vaughn made a motion to approve the minutes; Captain Terry seconded, and the motion passed unanimously.

***Public Hearing:***

**2009 SUGGESTED CHANGES TO THE COMPULSORY MINIMUM STANDARDS FOR ENTRY-LEVEL LAW ENFORCEMENT OFFICERS**

Sheriff Phelps officially opened the public hearing by reviewing the procedure that would be followed during the process. He introduced Ms. Kirkendall to present a brief overview of the 2009 Suggested Changes to the Compulsory Minimum Standards for Entry-level Law Enforcement Officers and discuss its specific points.

Ms. Kirkendall distributed the comment matrix and advised that Captain Terry, Chair of the Law Enforcement Curriculum Review Committee (CRC), would be making the presentation on the 2009 Suggested Changes. Captain Terry advised that the CRC met on June 25, 2009. He reviewed the 2009 Suggestions for Changes to the Entry-level Law Enforcement Training Standards and responded to the questions of the members. (*Copies of the suggested changes and written comments received during the public comment period are available on request.*)

Chairman Phelps asked if there were any questions. Sheriff Arthur asked if the semi-automatic pistol and revolvers considered as “either/or” or would officers be certified to train on both. Captain Terry responded that officers are required to train on the firearms issued by their agencies. Mr. Bushnell referred to **7.1** regarding revolver or semi-automatic pistols and asked if the use of the broader term of “handguns” might present a problem for others. Captain Terry responded that he did not see that as a problem as most people understood that handguns were referring to the semi-automatic handgun.

Mr. Bushnell noted that Captain Terry had given him credit for the authorship on the suggested change to **2.35** with regard to the disposition of unclaimed property, esp. weapons. He mentioned that some individuals from the criminal justice academy had questions regarding this. He reminded members of a recent incident where the former sheriff and some of the deputies of Henry County were arrested on felony drug charges. A number of the individuals were arrested

because of a written policy designed to discourage deputies from asking legal questions of the commonwealth's attorney. The deputies were not trained that they could not take guns out of the unclaimed property area of their departments and were, subsequently, convicted in federal court of possession of stolen property - firearms. Mr. Bushnell noted that he vowed that he wanted to inform entry-level officers of not taking unclaimed property home if they had not purchased the property or had not been lawfully assigned to the property by the department.

Chief Lavinder mentioned that the COT needed a motion to adopt the standards for corrections officers, court security, and civil process officers as they related to **Category 7**. Ms. Kirkendall asked if this could be reviewed later in the meeting along with "Follow-up on Changes to Performance Outcomes for Jailors" under Old Business.

Chairman Phelps asked if there were any questions or comments and if there were any individuals who had pre-filed or signed the sign-up sheet to speak during the hearing. Hearing none, he introduced Ron Staton, President, Virginia Association of Directors of Criminal Justice Training (VADCJT), who had signed up to speak.

Mr. Staton apologized for not submitting comments to the suggested changes prior to the November 20, 2009 deadline for written comments. He advised that the VADCJT met on November 4, 2009, at the Central Shenandoah Criminal Justice Academy regarding the suggested changes. He noted that the majority of the academy directors had been present at that meeting. Mr. Staton distributed a list containing the consensus responses to the suggested changes to the Committee and discussed specific points. *(Copies available upon request.)*

Chairman Phelps asked if there were any questions or comments. Mr. Bushnell made a motion that a friendly amendment be accepted to the suggested changes to **4.14** and that the phrase "unlawful destruction of property" be substituted for "vandalism," which would be consistent with the Code of Virginia. Sergeant Condon seconded, and the motion was carried unanimously.

Chairman Phelps asked for clarification of the suggestion from the VADCJT of removing an item from the section under **4.40** [specifically **4.40.4(d)9**] as it was not appropriate and then adding it to DUI. Mr. Bushnell responded that the reason this item was included in **4.40** was that although the ignition interlock was frequently associated with DUI, it was a judicially imposed sanction for DUI convictions. He explained that if someone who was completely sober and subject to the ignition interlock requirement drove without an ignition interlock on the vehicle, the individual was committing an offense. The idea was to make sure the officers checked to see if the individual was subject to the ignition interlock requirement, and the offense was something to consider in deciding whether or not to place a charge rather than keeping it strictly under DUI. Captain Terry concurred that this was in agreement with the CRC.

Hearing no other questions or comments, Ms. Randall made a motion to accept the 2009 Suggested Changes to the Compulsory Minimum Standards for Entry-Level Law Enforcement Officers as originally presented by Captain Terry, with the amendment of substituting "unlawful destruction of property" for "vandalism" in **4.1**. Mr. Vaughan seconded, and the motion was carried unanimously.

***Old Business:***

***Follow-up On Changes to Performance Outcomes for Jailors.***

Ms. Kirkendall reminded that the changes relating to **Category 7** and shotguns were debated in the June 2009 meeting of the COT. She asked that a motion be made today to also add these changes to the Standards for Jail/Court Security/Civil Process Officers so that it would be in the minutes. Chief Lavinder made a motion to add the changes to the Standards for Jail/Court Security/Civil Process Officers. Sergeant Condon seconded, and the motion was passed unanimously.

Hearing no other discussions, they moved to the next item on the agenda.

***New Business:***

There were no items for new business.

***Public Comment***

Sheriff Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. Hearing none, he extended appreciation to Mr. Bushnell for making his services available to the Committee and staff.

***Next Meeting***

Sheriff Phelps advised that staff would contact members with the date and details on the next meeting of the Committee on Training.

***Adjournment***

Sheriff Phelps asked for a motion to adjourn. Captain Terry made a motion to adjourn the meeting, which was seconded by Sheriff Arthur and was carried unanimously. The meeting was adjourned at 9:40 a.m.

Respectfully submitted,

Loretta Lynch for Thomas E. Nowlin,  
Recording Secretary

Approved:

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The Honorable Charles W. Phelps  
Chair

\_\_\_\_\_  
Date

Attachment(s)